

HOUSE BILL No. 1410

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-26-5-10.

Synopsis: Criminal history checks. Requires a criminal history background check, including a national background check, for an applicant for employment with a school corporation who begins employment after June 30, 2007, and requires the background check to be completed not more than 90 days after the individual begins employment. Permits a school corporation to enter into an agreement with a private entity to perform criminal background checks.

Effective: July 1, 2007.

Hoy, Koch

January 16, 2007, read first time and referred to Committee on Education.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1410

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-26-5-10, AS ADDED BY P.L.1-2005,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2007]: Sec. 10. (a) A school corporation, including a school
4 township, shall adopt a policy concerning criminal history information
5 for individuals who:

6 (1) apply for:

7 (A) employment with the school corporation; or

8 (B) employment with an entity with which the school
9 corporation contracts for services;

10 (2) seek to enter into a contract to provide services to the school
11 corporation; or

12 (3) are employed by an entity that seeks to enter into a contract to
13 provide services to the school corporation;

14 if the individuals are likely to have direct, ongoing contact with
15 children within the scope of the individuals' employment.

16 (b) A school corporation, including a school township, shall
17 administer a policy adopted under this section uniformly for all

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1 individuals to whom the policy applies.

2 **(c) A policy adopted under this section must require a criminal**
 3 **history background check, including a check of:**

4 **(1) both in state and out-of-state criminal records for the**
 5 **previous seven (7) years based upon the employee's prior**
 6 **residency; and**

7 **(2) sex offender registries in all fifty (50) states;**
 8 **for each individual whose employment with the school corporation**
 9 **begins after June 30, 2007. A background check required under**
 10 **this subsection must be completed not later than ninety (90) days**
 11 **after the individual's employment by the school corporation.**

12 **(d) Notwithstanding IC 10-13-3-39, a school corporation,**
 13 **including a school township, may enter into an agreement with a**
 14 **private entity to perform a criminal history background check**
 15 **under this section.**

16 **(e) A policy adopted under this section may require any of the**
 17 **following:**

18 (1) The school corporation, including a school township, may
 19 request limited criminal history information concerning each
 20 applicant for noncertificated employment or certificated
 21 employment from a local or state law enforcement agency before
 22 or not later than three (3) months after the applicant's employment
 23 by the school corporation.

24 (2) Each individual hired for noncertificated employment or
 25 certificated employment may be required to provide a written
 26 consent for the school corporation to request under IC 10-13-3
 27 limited criminal history information or a national criminal history
 28 background check concerning the individual before or not later
 29 than three (3) months after the individual's employment by the
 30 school corporation. The school corporation may require the
 31 individual to provide a set of fingerprints and pay any fees
 32 required for a national criminal history background check.

33 (3) Each individual hired for noncertificated employment may be
 34 required at the time the individual is hired to submit a certified
 35 copy of the individual's limited criminal history (as defined in
 36 IC 10-13-3-11) to the school corporation.

37 (4) Each individual hired for noncertificated employment may be
 38 required at the time the individual is hired to:

39 (A) submit a request to the Indiana central repository for
 40 limited criminal history information under IC 10-13-3;

41 (B) obtain a copy of the individual's limited criminal history;
 42 and

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(C) submit to the school corporation the individual's limited criminal history and a document verifying a disposition (as defined in IC 10-13-3-7) that does not appear on the limited criminal history.

(5) Each applicant for noncertificated employment or certificated employment may be required at the time the individual applies to answer questions concerning the individual's limited criminal history. The failure to answer honestly questions asked under this subdivision is grounds for termination of the employee's employment.

(6) Each individual that:

(A) seeks to enter into a contract to provide services to a school corporation; or

(B) is employed by an entity that seeks to enter into a contract with a school corporation;

may be required at the time the contract is formed to comply with the procedures described in subdivisions (2), (4), and (5). An individual who is employed by an entity that seeks to enter into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program may be required to provide the consent described in subdivision (2) or the information described in subdivisions (4) and (5) to either the individual's employer or the school corporation. Failure to comply with subdivisions (2), (4), and (5), as required by the school corporation, is grounds for termination of the contract. An entity that enters into a contract with a school corporation to provide student services in which the entity's employees have direct contact with students in a school based program is allowed to obtain limited criminal history information or a national criminal history background check regarding the entity's applicants or employees in the same manner that a school corporation may obtain the information.

~~(c)~~ (f) If an individual is required to obtain a limited criminal history under this section **or a criminal history background check described under subsection (c)**, the individual is responsible for all costs, **including any reimbursement by the individual to the school corporation**, associated with obtaining the limited criminal history **or the criminal history background check**.

~~(d)~~ (g) Information obtained under this section must be used in accordance with IC 10-13-3-29 **or IC 10-13-3-39(g)**.

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